


RECEIVED  
CENTRAL FAX CENTER  
JUN 11 2007

 <b>LEVINE BAGADE HAN LLP</b>  www.LBHIP.com	2483 East Bayshore Road Suite 100 Palo Alto, CA 94303 Tel: 650.242.4212 Fax: 650.284.2180  Customer No. 40518
---	---

**FAX**

To:	Commissioner for Patents	From:	Sanjay S. Bagade Reg. No. 42,280
Fax:	(571) 273-8300	Pages:	7 (including cover page)
Phone:	(571) 272-4753	Date:	June 8, 2007

**Comments: OFFICIAL FILING – STATEMENT OF SUBSTANCE OF EXAMINER  
INTERVIEW****Application No.:** 10/809,991**Confirmation No.:** 9621**Filing Date:** March 26, 2004**Title:** METHODS OF TREATING REVERSIBLE OBSTRUCTIVE PULMONARY  
DISEASE**Inventor(s):** Christopher J. DANÉK et al.**Examiner:** W. Matthews**Group Art Unit:** 3738**Attorney Docket No.:** ASTXNA00402**Papers attached:**

1. Statement of the Substance of Examiner Interview – 3 pages
2. Three Terminal Disclaimers – 3 pages
3. Credit Card Authorization Form – 1 page

*This fax and any attachments thereto may contain private, confidential, and privileged material for the sole use of the intended recipient. Any review, copying, or distribution of this fax (or any attachments thereto) by others is strictly prohibited. If you are not the intended recipient, please contact the sender immediately and permanently destroy the original and any copies of this fax and any attachments thereto.*

Attorney Docket No.: ASTXNA00402

I hereby certify that this correspondence is being facsimile transmitted to the USPTO on the date shown below.

Date: June 8, 2007

Signature: *Ouyen Nguyen*

(Ouyen Nguyen)

RECEIVED  
CENTRAL FAX CENTER

JUN 08 2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/809,991  
Confirmation No.: 9621  
Filing Date: March 26, 2004  
Inventor(s): Christopher J. DANEK et al.  
Title: METHODS OF TREATING REVERSIBLE OBSTRUCTIVE  
PULMONARY DISEASE  
Examiner: W. Matthews  
Group Art Unit: 3738

**STATEMENT OF THE SUBSTANCE OF EXAMINER INTERVIEW**

Mail Stop Amendment  
Commissioner for Patent  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Examiner initiated Interview held on May 25, 2007.

Remarks begin on page 2 of this paper.

Application No.: 10/809,991

Attorney Docket No.: ASTXNA00402

**REMARKS****RECEIVED  
CENTRAL FAX CENTER****JUN 08 2007**

Currently claims 1-21 are pending in the subject application.

In response to the Examiner's telephone call, applicant agreed to amendments to claim 1.

Applicant also agreed to the submission of terminal disclaimers as noted below.

Examiner Interview

Applicant's attorney is thankful to the Examiner for the the telephone interview of May 25, 2007 and follow-up telephone call on June 8, 2007. The participants of this interview included Examiner Matthews, and Sanjay Bagade (applicant's counsel).

During this interview, the parties discussed making amendments to claim one by examiner's amendment. The amendment included revising the claim as follows:

A method for treating a lung having reversible obstructive pulmonary disease, comprising:

applying energy to a treatment site in lung tissue of a patient having reversible obstructive pulmonary disease where the energy structurally alters smooth muscle tissue at the treatment site reducing the ability of the tissue to produce at least one symptom of reversible obstructive pulmonary disease wherein the at least one symptom comprises airway smooth muscle contraction; and  
controlling a temperature of tissue near the treatment site.

Applicant also agreed to the submission of terminal disclaimers for US 6,411,852 US 6,488,673, and US application 10/640,967 all submitted herewith.

Accordingly, in view the above, applicant believes that all outstanding issues are addressed and that the claims are in condition for allowance.

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections and pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

Application No.: 10/809,991

Attorney Docket No.: ASTXNA00402

In the event the appropriate fee and/or petition is not filed herewith and the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with this filing to Deposit Account No. 50-3973 referencing Attorney Docket No. ASTXNA00402. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,



Sanjay S. Bagade  
Registration No. 42,280

Customer No. 40518  
Levine Bagade LLP  
2483 East Bayshore Road, Suite 100  
Palo Alto, CA 94303  
Direct: (650) 242-4212  
Fax: (650) 284-2180